IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

WP(C).No. 21381 of 2007(U)

PETITIONER:

M.G. MURALEEDHARAN NAIR,
S/O. GOPALA PILLAI, NANDANAM, KADAPRA P.O.,
MARANGATTUPADY, KUMBANADU, THIRUVALLA.

BY ADV. SRI.S.SUBHASH CHAND

RESPONDENTS:

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1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
COLLECTORATE, PATHANAMTHITTA.

3. DEPUTY DIRECTOR OF PANCHAYATS,
OFFICE OF THE DIRECTOR OF PANCHAYATS,
PATHANAMTHITTA.

4. THE DEPUTY SUPERINTENDENT OF POLICE,
OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE
VIGILANCE AND ANTI-CORRUPTION BUREAU,PATHANAMTHITTA

5. THE DISTRICT PANCHAYAT,
OFFICE OF THE DISTRICT PANCHAYAT, PATHANAMTHITTA,
REPRESENTED BY ITS SECRETARY.

6. THE PRESIDENT,
DISTRICT PANCHAYAT, OFFICE OF THE DISTRICT
PANCHAYAT, PATHANAMTHITTA.

7. THE EXECUTIVE ENGINEER,
LSGD, DISTRICT PANCHAYAT DIVISION, PATHANAMTHITTA.

8. THE ASSISTANT ENGINEER,
OFFICE OF THE ASSISTANT ENGINEER, LSGD SECTION,
KOIPURAM.

9. KOIPURAM GRAMA PANCHAYAT,
OFFICE OF THE KOIPURAM GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY.

10. ASSISTANT EXECUTIVE ENGINEER,
LSGD SUB DIVISION, KOIPURAM BLOCK PANCHAYAT.

R1 TO R4 BY SR.GOVT.PLEADER SRI.K.J.MOHAMMED ANZAR
R5 & R6 BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.K.A.BALAN
SMT.TISVY VINCENT
R9 BY ADV.SRI.R.GIREESH VARMA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.21381/07

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – PHOTOGRAPH INDICATING THE PRESENT SITUATION OF DYEMUKKU-MARANGATTUPADY ROAD.

EXT.P2 – DO. INDICATING THE PRESENT SITUATION OF DO.

EXT.P3 – TRUE COPY OF ESTIMATE PREPARED BY RESPONDENT NO.8 AND FORWARDED TO R10.

EXT.P4 – TRUE COPY OF COMPLETION CERTIFICATE ISSUED BY R8.

EXT.P5 – TRUE COPY OF COMMUNICATION DT.26.2.07 ISSUED BY R4 TO 5TH RESPONDENT.

EXT.P6 – TRUE COPY OF PROJECT PROFORMA DT.6.1.07 ISSUED BY R5 AND R7.

EXT.P7 – TRUE COPY OF COMMUNICATION DT.21.2.07 ISSUED BY R6 TO 4TH RESPONDENT.

EXT.P8 – TRUE COPY OF REPRESENTATION DT.6.6.07 SUBMITTED BY PETR. BEFORE RESPONDENTS.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.21381 OF 2007

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DATED THIS THE 17TH SEPTEMBER, 2007

J U D G M E N T

This Writ Petition is filed by a resident of Ward XIII of Koipuram Grama Panchayat (9th respondent) falling within the limits of the 5th respondent-District Panchayat, complaining that a Panchayat road by name Dyemukku-Marangattupady road within the area of the 9th respondent-Panchayat is in a state of total disrepair and seeking various reliefs including a direction to respondents 5 to 9 (the District Panchayat, the President of the District Panchayat, the Executive Engineer, LSGD, the Assistant Engineer, LSGD and the Koipuram Panchayat) to implement Ext.P6 project for the maintenance and re-tarring of the above road so as to make the road motorworthy.

2. The learned Government Pleader submitted that the stand taken by the Panchayat is that on account of the pendency of Vigilance enquiry regarding certain works already carried out in the Panchayat, they are unable to implement Ext.P6. The learned Government Pleader further submitted that the pendency of the Vigilance enquiry need not stand in the way of implementation of maintenance works.

3. I notice that this Court has passed an interim order dated 31.7.2007 directing respondents 5 to 7 to take effective steps for

execution of the maintenance works of the road in question as expeditiously as possible. According to me, that interim order grants to the petitioner reliefs which can be legitimately aspired for in this Writ Petition. The Writ Petition is disposed of in view of that interim order.

(PIUS C.KURIAKOSE, JUDGE)

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I have heard the counsel for the parties again after the above judgment was delivered. Considering the submissions of Mr.S.Subhash Chand, counsel for the petitioner and the counsel for the respondents, there will be a specific direction to respondents 5 to 7 to carry out and complete the maintenance and repair works of the Dyemukku-Marangattupady road situated within the area of respondents 5 and 9 and to convert the said road to motorable conditions at the earliest and at any rate by 31.10.2007.

(PIUS C.KURIAKOSE, JUDGE)

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